

## **January 5, 2009 Minutes of Bigfork Land Use Advisory Committee**

Committee members present: Darrel Coverdell, John Bourquin, Shelley Gonzales, Gary Ridderhoff, Paul Guerrant, Charles Gough, Al Johnson, Sue Hanson 9 and members of the public.

Chairman Gonzales called the meeting to order at 4: 10 pm.

The Agenda was adopted as presented (m/sc Bourquin/Coverdell).

A motion to amend the minutes for November 25, 2008 to include correction of page 5 correcting lot numbers-unanimous. (m/sc Guerrant/Ridderhoff) Minutes were approved as amended-unanimous. (m/sc Guerrant/Ridderhoff)

### **ADMINISTRATOR'S REPORT:**

**A. Sign-in Sheet:** Reminder to the public of the availability of BLUAC minutes through email and BSC website [bigforksteering.org/](http://bigforksteering.org/).

**B. Application status:** Shaggagi is scheduled for B of A in February, Brown and Stoddard were denied by the B of A.

### **APPLICATIONS:**

**A.** A Zone Change request in the Bigfork Zoning District by Flathead Industries from R-1 (Suburban Residential) to B-3 (Community Business). The property is located at 833 Grand Drive and contains approximately .189 acres.

**Staff:** Allison Mouch stated the staff report was not completed. It is the intention, at this time, to recommend denial of the application for the following reasons:

1. The application does not comply with the current Bigfork Land Use Plan. The area is designated suburban residential. A zone change to C (Commercial) may be more appropriate with the classifications adjacent (Flathead Bank and Bigfork Fire Dept.
2. It would not lessen congestion and does not have the area to comply with B-3 parking requirements. Terrace Hill is a narrower road than Grand Drive.
3. It does not match the character of the district. The non-conforming businesses adjacent to the site cannot be taken into consideration.
4. Causes overcrowding of the land. The structure is currently out of compliance with setbacks with the handicap ramp on the north side and B-3 setbacks could not be met with the current structure.
5. The general area is residential. Extending B-3 east would not be appropriate to encroach on the new townhomes and condos along Terrace Hill.

**Gonzales:** Please explain the 5-acre component of the zoning. **A:** That would be contiguous acres of commercial.

**Johnson:** Is there a proposed use for this property? **A:** No. Is the zoning to the south residential? **A:** Yes. There are other places of businesses near by, are they operating under home business? **A:** It appears so but they are non-conforming. Definition of home business: See PP162-163 of Zoning Regulations. It appears there is a peninsula of residential uses into the commercial area. **A:** Alex Hogle demonstrated on the map the questioned lots. Apparently there are businesses operating which would be non-conforming uses.

**APPLICANT:** Ted Schlegel, representing Flathead Industries, stated the highest and best use for this property is not residential. There are many businesses operating in the area. It would be nice to know up front that the county would recommend denial. We were just notified of their position today. The B-3 zoning gives wider use for such as a library or day care. Flathead Industries cannot market this property as a residence.

**Bourquin:** Would you keep the building as it is? **A:** Yes. There is some parking already available.

**Johnson:** What are the lot dimensions? **A:** 78.26' on the front and 75' in the back.

**Gonzales:** The future designation for the Bigfork Neighborhood Plan is urban residential for this property. That designation would support 2-family homes and would fit in better with the condominiums and townhomes.

**PUBLIC AGENCIES:** Julie Spencer, Bigfork Water & Sewer Dept., noted the service to this property is most suited for residential. Any food service would require changes in service capacity. The service would not support high use.

**Johnson:** What was the definition use of the Thrift Store? **A:** It was a non-conforming commercial use. Couldn't they continue in the same use? **A:** No. Non-conforming uses that are discontinued for over 180 days cannot continue the use. This property has not operated for over 180 days.

**PUBLIC COMMENT:**

None

**Staff:** Allison Mouch explained that in the pre-application meeting with the applicant, they were informed the requested zone change was not in compliance with the BNP.

**Johnson:** It would have been nice for the applicant to know the planning staff was recommending denial before they went through the whole process. This is the same thing that happened with the bowling alley property. The Planning Office needs better communication with applicants. Can't you work with applicants to help them find solutions? **A:** (Hogle) We do work with applicants and to hear you say this is offensive.

**Johnson:** My apologies. You do a good job, it's just frustrating. (Johnson was joined by other members of the committee to both say they believe the county does a good job and agree it is frustrating for applicants to have these problems.)

John Bourquin moved the application be recommended for denial. Charles Gough seconded the motion. Motion passed unanimously.

The application will be heard by the Flathead County Planning Board, Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, on January 21, 2009, at 6:00 p.m.

Chairman Gonzales called a 5-minute break.

**OLD BUSINESS:**

**A. Bigfork Neighborhood Plan:**

**1. BSC-BLUAC Review of changes to Bigfork Neighborhood Plan:** General discussion with members of the Bigfork Steering Committee. Steering Committee members were

represented by Craig Wagner, Chairman, Pat Wagner, Secretary, Elna Darrow, Vice-Chairman and Bruce Solberg, member.

**2. BSC convened to vote on changes:** Craig Wagner reported the BSC had voted unanimously to accept changes to the BNP discussed at the Planning Board Workshop and tonight's meeting.

**3. BLUAC reconvened to vote on changes:** The email (and attachments) from BJ Grieve, Flathead County Planning Office, was discussed in detail. The following changes were approved by unanimous vote:

*History & Methodology – pg 8 put more information as far as dates of meetings. Will put in dates of planning bd meetings, etc. That would avoid doing another adoption page. When pln bd approves, we will do another adoption page.*

*Pg 9 – Create title: purpose & Intent (Gordon Cross language) “It is understood that the Bigfork Neighborhood Plan is not a regulatory document and does not confer any authority to regulate its provisions. The goals, policies and text included herein should be considered as a detailed description of desired land use in the Bigfork Neighborhood Plan Area (BNPA). The plan should also be used as guidance in adopting zoning ordinances and resolutions that would regulate land use in the BNPA.”*

*Bigfork Vision: add comment respect for private property rights. “Individual prop rights will be honored and all types of development will be considered.” Respect . . . already there. -Leave as is.*

*Sq miles of planning area . . 51.5 (Vision)*

*BJ notes plus prior small changes.*

*1993 plan: Q to Julie? Consumptive use of water? Prevent consumptive diversions of groundwater. Need to reword that? Could add clarifying language.*

*Julie Spencer: (in response to definition of consumptive use) We divert ground water and have water rights to do so. Ponderosa Boat Club waters “Eagle” to tune of 1 m gallons per month.*

*“Except for water rights that are legally held” or “In excess of individual water rights” or*

*“Water usage shall comply with all applicable state and federal laws.” Yes - Replaces “consumptive”*

*14.3: Reclamation bond?? What mechanism? “Flathead County should adopt procedures for reclamation bonds to mitigate these issues. These bonds would then be prerequisite for approval.”*

*P 12.7 Signs: separate 11 items based on what is already in zoning and what would be a guideline. #6 #7 #9 guidelines.*

*P 8.3 pg 15 and P 6.4 Creates sprawl? Just take out totally in conflict? “Leave same”*

*Alex Hogle: Map # 10 Change Title to “Future Land Use Map” - YES*

Legend change: Olive green: VRC on legend - YES

Little Brown Church: chg to commercial -YES

Anderson Masonry plus homes in area-Commercial - YES

West third of 40 acres (Ramsfield Tract 4AA)) directly North of Bowling Alley – Leave AG

All Pickavance keep commercial-YES

**B. County Attorney re: Sign Violations:** No report

**NEW BUSINESS:**

**A. None**

**PUBLIC COMMENT:**

None

Meeting was adjourned at 6:30 p.m.

Sue Hanson

BLUAC Secretary